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PATENT  
Customer No. 22,852  
Attorney Docket No. 4853.0108-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Yoshihide MATSUO ) Group Art Unit: 1655  
)  
Application No.: 10/767,260 ) Examiner: S.C. SRIVASTAVA  
)  
Filed: January 30, 2004 ) Confirmation No.: 6256  
CIP of PCT/JP03/08840 )  
)  
For: NOVEL CHEMICAL SUBSTANCE )  
HAVING MORPHOGENIC AND )  
GROWTH-ACCELERATING )  
ACTIVITIES )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached form SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Copies of the listed foreign patents documents and non-patent literature documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

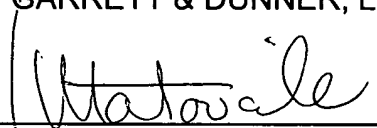
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

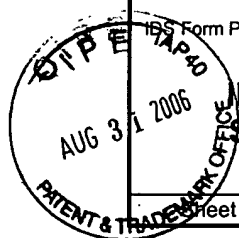
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 31, 2006

By: \_\_\_\_\_

  
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Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Application Number</b>	10/767,260
				<b>Filing Date</b>	January 20, 2004/CIP of PCT/JP03/08840
				<b>First Named Inventor</b>	Yoshihide MATSUO
				<b>Art Unit</b>	1655
				<b>Examiner Name</b>	K.C. SRIVASTAVA
<b>Attorney Docket Number</b>	4853.0108-00000				
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-			
		US-			
		US-			

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number-Kind Code (if known)				
	1	PCT/JP03/08840	01/22/2004	Marine Biotechnol. Inst. Co. Ltd. et al.	Entire application	No; as- filed priority application
	2	JP 2003-189845	08/07/2003	Marine Biotechnol. Inst Co. Ltd. et al.	Pages 336-346	Abstract translated

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	3	MATSUO, Y., Ishida, R., Matsumoto, T., Tatewaki, M., Suzuki, M. (1997) Yendolipin, a Novel Lipobetaine with an Inhibitory Activity Toward Morphogenesis in Foliaceous Green Alga <i>Monostroma oxyspermum</i> . <i>Tetrahedron</i> 53:869-876; especially p. 869, second paragraph.	
	4	MATSUO, Y., Suzuki, J., Kasai, H., Shizuri, Y., Harayama, S. (2003) Isolation and Phylogenetic Characterization of Bacteria Capable of Inducing Differentiation in the Green Alga <i>Monostroma</i> <i>Oxyspermum</i> 51:25-35.	
	5	TSUJIMORI, J., Mori, K. (2001) Synthesis of the Racemate of the Stereoisomer at C-6a of BE-40644, a Bioactive Metabolite of <i>Actinoplanes</i> sp. with a Sesquiterpene-substituted <i>p</i> -Benzoquinone Structure. <i>Biosci. Biotechnol. Biochem.</i> 65:167-171; especially p. 167, scheme 1.	
	6	SHIZURI, Y., Matsuo, Y. (2002) Natural Products from Marine Bacteria and Marine Organisms; Algal Morphogenesis Induced by Marine Bacteria. <i>Japanese Society of Phycology</i> 50:20 (abstract).	

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.